

REMARKS

Claims 1-27 are pending in this application.

Claim Rejections – 35 U.S.C. §103

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,878,419 (hereinafter, "Carter") in view of U.S. Patent Number 5,974,396 (hereinafter, "Anderson").

1. Claims 1, 14, 20, and 24

The Examiner stated that:

Carter does not explicitly disclose the claimed "ordering the transactions within each group; and performing an analysis of the groups of transactions to find associations in the order of the transactions in the groups."

Further, according to the Examiner:

Anderson discloses ordering the transactions within each group; and performing an analysis of the groups of transactions to find associations in the order of the transactions in the groups (col 6, lines 34-48).

The Examiner's cited references fail to teach or suggest to a person having ordinary skill in the art to perform an analysis of the groups of transactions to find associations in the order of the transactions in the groups, as required by claims 1, 14, 20, and 24.

Anderson discloses generally the steps of grouping data into clusters and analyzing transactions in terms of those clusters to determine relationships between consumers and products (Anderson, column 2, lines 63-66; column 3, lines 11-15). Anderson further discloses that data may be "categorized and stored in clusters" and that "various buying behaviors and patterns may be extracted from the cluster data" (column 6, lines 34-48).

Anderson would not, however, have taught or suggested to a person of ordinary skill at the time this application was filed to apply these techniques to perform an analysis of the groups of transactions to find associations in the order of the transactions in the groups, as claimed by the Applicant in claims 1, 14, 20, and 24.

A rejection under 35 U.S.C. § 103(a) is improper when the references do not suggest or disclose all of the claimed elements of the rejected claims. Here, the combined references cited by the Examiner do not suggest or disclose all of the claimed elements of the rejected claims 1, 14, 20, and 24.

Consequently, it would not have been obvious to a person having ordinary skill in the art to combine Carter and Anderson, because this combination does not yield claims 1, 14, 20, and 24. Applicant submits that claims 1, 14, 20, and 24 should be allowed to issue.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 14, 20, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Carter in view of Anderson.

2. Claims 2-13, 15-19, 21-23, and 25-27

Claims 2-13, 15-19, 21-23, and 25-27 depend on allowable claims 1, 14, 20, and 24, respectively. Thus, they are also allowable over Carter in view of Anderson.

SUMMARY

In light of the above remarks, Applicant respectfully requests that the rejection of claims 1-27 be withdrawn and that these claims be passed to issuance. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this

application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

A fee in the amount of \$110.00 for a one-month extension of time is included with the filing of this Response. Should the Commissioner deem that any additional fees are due, Applicant hereby authorizes the Commissioner to charge any additional fees to Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number **069092.0105**.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: 

Howard L. Speight

Reg. No. 37,733

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: 713.229-2057

Facsimile: 713.229-2757

EMail: Howard.Speight@bakerbotts.com

ATTORNEY FOR APPLICANT(S)

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